THE HONOURABLE SRI JUSTICE GODA RAGHURAM
AND
THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO. 1078 OF 2007

14-11-2007

Between:

P.Ravindranath, Guntur

… Petitioner

And :

The Government of Andhra Pradesh rep by
its Secretary, Fin.&Plg, Hyderabad, and others

… Respondents

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ORAL ORDER: (Per Justice G. Raghuram)

The petitioner was promoted as Sheristadar by an order dated 12.10.1997 and joined as such on 12.01.1998. His services in the said category were regularized by 11.01.1998. On joining the post of Sheristadar in January 1998 the petitioner's basic pay was fixed at Rs. 4,270/-. After his redesignation as Administrative Officer pursuant to the constitution of the service under the revised AP Judicial Ministerial Service Rules, 2003 and redesignation of the post of

Sheristadar as Administrative Officer, the petitioner's pay is pleaded to have been refixed and he is drawing pay of Rs.15,405/- (para-2 of the writ petition).

Though the averments in the writ petition are meandering and vague, the specific grievance of the petitioner appears to be that persons appointed as Administrative Officers 5 to 6 years after he was so appointed, are drawing higher salary than him. The petitioner cites instances of Sarvasri B.Vishavamber, P. Ibrahim, P.Narasimharaju, A.Paul Augusteen, R.Satyanarayana, M.Satyanarayana, K.V.K.Manohar, L.Babu Rao, M.V.subba Rao, G.V.Ramana, to illustrate his grievance of drawing lesser pay than his juniors in the category of Administrative Officers.

Two counter affidavits in succession have been filed on behalf of the 2nd respondent. The counter affidavit dated 3.4.2007 states that the post of Administrative Officer is part of the District cadre and therefore the petitioner cannot gainfully compare his pay with that of Administrative Officers of other districts. In this counter affidavit it is also pleaded that Administrative Officers of other districts could have different pay packets on account of accretion thereto on the basis of individual circumstances such as acquisition of superior qualifications, length of service in the feeder categories and the scale of pay drawn in the feeder categories and so on. With regard to officers whose instances were cited in the writ petition, the appendix to this counter affidavit points out that each of these officers had some special pay packet attached either towards F.P. incentives or for higher qualifications.

In an additional counter affidavit dated 23.10.2007 the 2nd respondent responding to some additional material marshaled by the petitioner, states that there is no common seniority of

Administrative Officers maintained for the purpose of fixation of pay, since each district is a unit. With regard to the instance of Mr. M.Subrahmanyam, Administrative Officer, Addl. Metropolitan Sessions Judge Court for Trial of Jubilee Hills Car Bomb Blast Case Cum Addl. Family Court, Hyderabad referred to by the petitioner, this counter avers that Mr. Subrahmanyam originally belonged to the unit of the Metropolitan Sessions Judge, Hyderabad. Though the petitioner is senior to Mr. Subrahmanyam in the categories of Head Clerk and Administrative Officer, the pay of Mr. M.Subrahmanyam in all categories was higher than the petitioner. Mr. Subrahmanyam was appointed as Copyist on 25.11.1964 and was drawing a pay of Rs.320 + Rs.25 Special Pay, while the petitioner was appointed as a Junior Assistant on 1.8.1976 with his pay fixed at Rs.250/- without special pay. Mr. Subrahmanyam also was a law graduate and was thus sanctioned two advance increments. Therefore, Mr.Subrahmanyam, though junior to the petitioner as Administrative Officer, was drawing a pay of Rs.11,600/- as on 30.6.2003, while the petitioner's pay was fixed at Rs.9,600/-. It is additionally pleaded that from a verification of the petitioner's service register it is seen that the petitioner was notionally promoted as UDC pursuant to the direction in W.P No. 15313/87 and as UD Head Clerk w.e.f. 1.10.1985 and without entitlement to claim for additional salary as such and therefore too a discrepancy of pay between the petitioner and others would have occurred.

Neither in the affidavit accompanying the writ petition nor in the reply affidavit has the petitioner pleaded any fact which clearly establishes that the petitioner was identically circumstanced as the other Administrative Officers or that the petitioner and the other Administrative Officers of other Districts

belong to a common administrative stream thereby inviting application of the equality injunctions of Articles 14 and 16 of the Constitution. If the Administrative Officers working in other administrative units, though junior to the petitioner, were drawing higher pay packet on account of certain personal circumstances such as additional qualifications, special pay on account of F.P. incentives or the like, that would not be a factor for the petitioner to seek parity of pay.

Ms. K.N.Vijayalakshmi, the learned counsel for the petitioner would contend that the petitioner was being paid lower pay packet than the pay as per the revisions in pay scales from time to time pursuant to Pay Revision Commissions. Though this plea is orally advanced there is no pleading to this effect and therefore this court declines to take cognizance of this averment.

As the petitioner has failed to make out a factual case of discrimination or unequal treatment, the writ petition fails and is accordingly dismissed, but in the circumstances without costs.

14.11.2007 ----------
pvsn Justice G. Raghuram

Justice R.Subhash Reddy